

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT QUILL,

Plaintiff,

V.

CATHOLIC DIOCESE OF WILMINGTON, INC., a Delaware corporation; ST. ELIZABETH'S CATHOLIC CHURCH, a Delaware corporation; Rev. FRANCIS G. DELUCA, individually and in his official capacity; and Rev. MICHAEL A. SALTARELLI, in his official capacity,

Defendants.

[illegible]

C.A.No. 07-435-SLR

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT DELUCA'S MOTION FOR
PROTECTIVE ORDER (D.I. 62) FOR FAILURE TO COMPLY
WITH THE RULE 16 SCHEDULING ORDER**

On December 14, 2007, the Court entered the Rule 16 Scheduling Order governing the discovery and trial schedule in this case. (D.I. 54).

Paragraph (2)(h)(1) of the Order states that “No ... motions for protective order shall be filed absent approval from the court following a discovery conference.”

On January 2, 2008, defendant DeLuca filed a motion for protective order (D.I. 62) to stay his court ordered deposition. (See D.I. 58).

In violation of the Scheduling Order, defendant DeLuca filed this motion without “approval from the court following a discovery conference.”

Accordingly, this motion is improper and should be stricken as a violation of this Court's Order.

Plaintiff respectfully requests that attorneys' fees and costs be assessed against this defendant for the time required to prepare this motion as well as plaintiff's response in opposition to the defense motion (D.I. 65), which was prepared and filed out of an abundance of caution.

Plaintiff waives an opening brief in support of this Motion.

Respectfully Submitted,

THE NEUBERGER FIRM, P.A.

/s/ Stephen J. Neuberger
THOMAS S. NEUBERGER, ESQ. (#243)
STEPHEN J. NEUBERGER, ESQ. (#4440)
RAEANN WARNER, ESQ. (#4931)
Two East Seventh Street, Suite 302
Wilmington, DE 19801
(302) 655-0582
TSN@NeubergerLaw.com
SJN@NeubergerLaw.com
RW@NeubergerLaw.com

ROBERT JACOBS, ESQ. (#244)
THOMAS C. CRUMPLAR, ESQ. (#942)
JACOBS & CRUMPLAR, P.A.
Two East Seventh Street, Suite 400
Wilmington, DE 19801
(302) 656-5445
Bob@JandCLaw.com
Tom@JandCLaw.com

Dated: January 4, 2008

CERTIFICATE OF SERVICE

I, Stephen J. Neuberger, being a member of the bar of this Court do hereby certify that on January 4, 2008, I electronically filed this Pleading with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Anthony G. Flynn, Esquire
Young Conaway Stargatt & Taylor LLP
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
aflynn@ycst.com

Mark Reardon, Esquire
Elzufon Austin Reardon Tarlov & Mondell
300 Delaware Avenue, Suite 1700
P.O. Box 1630
Wilmington, DE 19899
mreardon@elzufon.com

Stephen P. Casarino, Esquire
Casarino Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899
scasarino@casarino.com

/s/ Stephen J. Neuberger
STEPHEN J. NEUBERGER, ESQ.